

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

| | | |
|---------------------------------|---|---|
| UNITED STATES OF AMERICA | : | Criminal No. _____ |
| v. | : | Date Filed: _____ |
| KINATAI ELLISON | : | Violations: |
| | : | 18 U.S.C. § 371 |
| | : | (Conspiracy to straw purchase firearms - |
| | : | 1 count) |
| | : | 18 U.S.C. §§ 924(a)(1)(A) and 2 |
| | : | (Making false statements to a firearms |
| | : | dealer - 5 counts) |
| | : | Notice of Forfeiture |

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

AT ALL TIMES MATERIAL TO THIS INDICTMENT:

1. Luis Jose Arias, a/k/a Obdulio Martinez, Jr., a/k/a Pedro Garces, a/k/a “Lite,” was barred from legally purchasing or possessing a firearm because he had previously been convicted of a felony crime for which he could be punished by more than one year imprisonment.

2. The entities listed below were located in the Eastern District of Pennsylvania, possessed a federal firearms license (“FFL”) and were authorized to deal in firearms under federal law:

a. Gallery Distributors dba Gun Gallery, 2807 Perkiomen Avenue, Mt. Penn, Pennsylvania; and,

b. Army and Navy Store, 3400 Plaza Drive, Reading, Pennsylvania.

3. FFL holders were licensed, among other things, to sell firearms and ammunition. Various rules and regulations promulgated under the authority of Title 18, United States Code, Chapter 44 (Sections 921-929) governed the manner in which an FFL holder may sell firearms and ammunition.

4. The rules and regulations governing FFL holders required that a person seeking to purchase a handgun fill out a "Firearms Transaction Record," ATF Form 4473. Part of the Form 4473 required that the prospective purchaser certify truthfully, subject to penalties of perjury, that he or she has not made any false oral or written statements with respect to the transaction. The Form 4473 contained language warning that "[t]he federal firearms laws require that the individual filling out this form must be buying the firearm for himself or as a gift. Any individual who is not buying the firearm for himself/herself or as a gift, but who completes this form, violates the law."

5. FFL holders were required to maintain a record, in the form of a completed Form 4473, of the identity of the actual buyer of firearms sold by the FFL holder.

6. From on or about March 2, 2000 until on or about July 21, 2000, in the Eastern District of Pennsylvania, defendant

KINATAI ELLISON

conspired and agreed with Luis Jose Arias, charged elsewhere, to commit an offense against the United States, that is to knowingly make false statements with respect to the information required to be kept in the records of a federally licensed firearms dealer, specifically, the identity of the actual buyer of firearms, in violation of Title 18, United States Code, Section 924(a)(1)(A).

MANNER AND MEANS

7. It was part of the conspiracy that defendant KINATAI ELLISON, who was not prohibited from purchasing firearms for herself, purchased certain firearms for Luis Jose Arias, by falsely representing to the firearms dealers that she, rather than Luis Jose Arias, was the actual buyer of the firearms.

It was further part of the conspiracy that:

8. Luis Jose Arias told defendant KINATAI ELLISON specifically what firearms to purchase for him.

9. Defendant KINATAI ELLISON took cash from Luis Jose Arias to pay the firearms dealers for the firearms she purchased for Arias.

10. Defendant KINATAI ELLISON purchased the specified firearms after completing the required ATF Form 4473 (Firearms Transaction Record) and falsely representing that she was the actual buyer of the firearms.

11. Defendant KINATAI ELLISON delivered the purchased firearms to Luis Jose Arias.

OVERT ACTS

In furtherance of the conspiracy, defendant KINATAI ELLISON and others known and unknown to the grand jury, committed the following overt acts, among others, in the Eastern District of Pennsylvania and elsewhere:

The March 2, 2000 Straw Purchase of an Interarms Firearm

On or about March 2, 2000:

1. Before defendant KINATAI ELLISON entered Gun Gallery, 2807

Perkiomen Avenue, Mt. Penn, Pennsylvania, Luis Jose Arias gave defendant KINATAI ELLISON money to purchase a firearm, that is, an Interarms/Star, model Firestar, 9 mm. pistol bearing serial number 2163115.

2. Defendant KINATAI ELLISON entered Gun Gallery and purchased an Interarms/Star, model Firestar, 9 mm. pistol bearing serial number 2163115 by falsely representing on the ATF 4473 forms that she was the actual buyer of the firearm.

3. After leaving Gun Gallery, defendant KINATAI ELLISON gave Luis Jose Arias the firearm that she had just purchased, that is, an Interarms/Star, model Firestar, 9 mm. pistol bearing serial number 2163115.

The March 24, 2000 Straw Purchase of a Glock

On or about March 24, 2000:

4. Before defendant KINATAI ELLISON entered Gun Gallery, Luis Jose Arias gave defendant KINATAI ELLISON money to purchase a firearm, that is, a Glock, model 26, 9 mm. pistol bearing serial number DMU535US.

5. Defendant KINATAI ELLISON entered Gun Gallery and purchased a Glock, model 26, 9 mm. pistol bearing serial number DMU535US, by falsely representing on the ATF 4473 form that she was the actual buyer of the firearm.

6. After leaving Gun Gallery, defendant KINATAI ELLISON gave Luis Jose Arias the firearm that she had just purchased, that is, a Glock, model 26, 9 mm. pistol bearing serial number DMU535US.

The June 20, 2000 Straw Purchases of Two Glockes

On or about June 20, 2000:

7. Before defendant KINATAI ELLISON entered Gun Gallery, Luis Jose Arias gave defendant KINATAI ELLISON money to purchase for him a firearm, that is, a Glock, model 27, .40 caliber pistol bearing serial number BXM412US.

8. Defendant KINATAI ELLISON entered Gun Gallery and purchased a Glock, model 27, .40 caliber pistol bearing serial number BXM412US, by falsely representing on the ATF 4473 form that she was the actual buyer of the firearm.

9. After leaving Gun Gallery, defendant KINATAI ELLISON gave Luis Jose Arias the Glock firearm that she had just purchased, that is, a Glock, model 27, .40 caliber pistol bearing serial number BXM412US.

10. Before defendant KINATAI ELLISON entered Army and Navy Store, 3400 Plaza Drive, Reading, Pennsylvania, Luis Jose Arias gave defendant KINATAI ELLISON money to purchase for him a firearm, that is, a Glock, model 27, .40 caliber pistol bearing serial number DMW541US.

11. Defendant KINATAI ELLISON entered Army and Navy Store and purchased a Glock, model 27, .40 caliber pistol bearing serial number DMW541US, by falsely representing on the ATF 4473 form that she was the actual buyer of the firearm.

12. After leaving Army and Navy Store, defendant KINATAI ELLISON gave Luis Jose Arias the Glock firearm that she had just purchased, that is, a Glock, model 27, .40 caliber pistol bearing serial number DMW541US.

The July 21, 2000 Straw Purchase of a Glock Firearm

On or about July 21, 2000:

13. Before defendant KINATAI ELLISON entered Army and Navy Store, Luis Jose Arias gave defendant KINATAI ELLISON money to purchase a firearm, that is, a Glock, model 23, .40 caliber pistol bearing serial number DTA157US.

14. Defendant KINATAI ELLISON entered Army and Navy Store and purchased a Glock, model 23, .40 caliber pistol bearing serial number DTA157US, by falsely representing on the ATF 4473 form that she was the actual buyer of the firearm.

15. After leaving Army and Navy Store, defendant KINATAI ELLISON gave Luis Jose Arias the Glock firearm that she had just purchased, that is, a Glock, model 23, .40 caliber pistol bearing serial number DTA157US.

All in violation of Title 18, United States Code, Section 371.

COUNTS TWO THROUGH SIX

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 5 of Count One are incorporated here.
2. On or about the dates listed below, in the Eastern District of Pennsylvania,
defendant

KINATAI ELLISON,

in connection with the acquisition of the firearms listed below from the FFL holders listed below, knowingly made, and aided and abetted the making of, false statements and representations with respect to information required by the provisions of Title 18, United States Code, Chapter 44 to be kept in the FFL holders' records, in that defendant KINATAI ELLISON, at the direction of Luis Jose Arias, certified on the Firearms Transaction Record, ATF Form 4473, that she was the actual buyer of the firearms listed below, when as defendant KINATAI ELLISON well knew, these statements were false and fictitious.

| Count | Date of Sale | FFL | Firearm | Serial # |
|-------|----------------|-------------------------------------|---|----------|
| 2 | March 2, 2000 | Gun Gallery Mt. Penn, PA | Interarms/Star model Firestar 9 mm. | 2163115 |
| 3 | March 24, 2000 | Gun Gallery Mt. Penn, PA | Glock model 26 9 mm. | DMU535US |
| 4 | June 20, 2000 | Gun Gallery Mt. Penn, PA | Glock model 27 .40 cal. | BXM412US |
| 5 | June 20, 2000 | Army & Navy Store Reading, PA | Glock model 27 .40 cal. | DMW541US |

| Count | Date of Sale | FFL | Firearm | Serial # |
|-------|---------------|-------------------------------------|-------------------------------|----------|
| 6 | July 21, 2000 | Army & Navy Store Reading, PA | Glock model 23 .40 cal. | DTA157US |

All in violation of Title 18, United States Code, Sections 924(a)(1)(A) and 2.

NOTICE OF FORFEITURE

As a result of the violations of Title 18, United States Code, Sections 924(a)(1)(A) set forth in Counts Two through Six of this Indictment, the defendant

KINATAI ELLISON

shall forfeit to the United States of America, pursuant to Title 18, United States Code, Sections 924(d) and Title 28, United States Code, Section 2461(c), the firearms and ammunition involved in the commission of these offenses, including, but not limited to:

(1) an Interarms/Star, model Firestar, 9 mm. semi-automatic pistol, bearing serial number 2163115;

(2) a Glock, Model 26, 9 mm., semi-automatic pistol, bearing serial number DMU535US;

(3) a Glock, Model 27, .40 caliber, semi-automatic pistol, bearing serial number BXM412US;

(4) a Glock, Model 27, .40 caliber, semi-automatic pistol, bearing serial number DMW541US; and

(5) a Glock, Model 23, .40 caliber, semi-automatic pistol, bearing serial number DTA157US.

All pursuant to Title 28, United States Code, Section 2461(c) and Title 18, United States Code, Section 924(d).

A TRUE BILL:

FOREPERSON

PATRICK L. MEEHAN
United States Attorney